TORTS—INFANT TRESPASSER UPON AERIAL RIGHT OF WAY—UNINSULATED ELECTRIC WIRES.—The thirteen year old plaintiff climbed a tree through which ran the uninsulated wires of the defendant company. The tree was standing near the highway, but was not on the defendant's land. He grasped a wire, and received the injury for which suit was brought. *Held,* that the plaintiff could not recover. Peaslee, J., *dissenting. McCaffrey v. Concord Electric Co.* (1921, N. H.) 114 Atl. 395.

The courts are in conflict as to whether a small boy climbing in a tree, through which an electric company has a right of way for its wires, is a trespasser against the electric company. Some courts hold that he is a trespasser against the owner of the tree, but not against the electric company. *Williams v. Springfield Gas & Electric Co.* (1918) 274 Mo. 1, 202 S. W. 1; *Benton v. North Carolina Public Service Co.* (1914) 165 N. C. 354, 81 S. E. 448; Curtis, *The Law of Electricity* (1915) sec. 512; *contra, Robbins v. Minute Tapioca Co.* (1920, Mass.) 128 N. E. 417. Another line of cases holds that when a company places an unattractive, though dangerous, instrumentality, in a place attractive to children, it is liable for any injuries suffered by a trespassing infant due to its uninsulated wires. *Consolidated Electric Co. v. Healy* (1902) 65 Kan. 798, 70 Pac. 884. It is negligent to leave uninsulated a highly-charged electric wire which passes through a tree near the roadside, for the company must anticipate that infants will climb in such a tree. *Temple v. McComb City Electric Co.* (1907) 89 Miss. 1, 42 So. 874; *Sweeten v. Pacific Power & Light Co.* (1915) 88 Wash. 679, 153 Pac. 1054; (1920) 18 MICH. L. REV. 426. Where a dangerous electric wire, impracticable of complete insulation, was placed in close proximity to the trellis-like support of another company, so that an infant, being attracted to climb the trellis, was injured by contact with the wire, the court held that the party responsible for creating the dangerous agency was liable. *Stedwell v. City of Chicago* (1921, Ill.) 130 N. E. 729; 1 Thompson, *Negligence* (1901) sec. 1030. Some courts have in terms adopted the "Turntable Doctrine" in cases similar to the principal one. *New York, New Haven, & Hartford Ry. v. Fruchter* (1921, C. C. A. 2d) 271 Fed. 419; criticized in (1921) 30 YALE LAW JOURNAL, 870; see (1915) 25 YALE LAW JOURNAL, 84; COMMENTS (1919) 29 YALE LAW JOURNAL, 223; Jeremiah Smith, *Liability of Landowners to Children Entering without Permission* (1898) 11 HARV. L. REV. 349, 434. The orthodox view, to which that of the principal case is analogous, is that a landowner has a right to the exclusive possession of his property, and that anyone trespassing, whether infant or adult, does so at his own risk except where the injury is caused by a wilful or wanton act. *Ryan v. Towar* (1901) 128 Mich. 463, 87 N. W. 644; *Gherra v. Central Illinois Public Service Co.* (1918) 212 Ill. App. 48 (company not liable for injury received due to an uninsulated wire by a trespassing infant climbing a tree near the highway). The present decision follows its state precedents, but it seems as though it would have been better if the court had regarded the defendant as owing a duty to the infant, and not looking upon the trespass on the aerial right of way in such a highly technical sense, had allowed a recovery, as was done in a recent well-considered case which involved a similar technicality. *Hynes v. New York Central Ry.* (1921) 231 N. Y. 229, 131 N. E. 898.

TORTS—PROXIMATE CAUSE—INJURY CAUSING DISEASE RESULTING IN DEATH.—Due to the defendant's negligence, the decedent, a subway passenger, suffered an injury resulting in the bruising of her body. Some three weeks later she died of pneumonia. In an action brought by her administrator for negligently causing the death of the deceased, the jury found for the plaintiff. *Held,* reversing the judgment of the lower court, that the plaintiff had failed to show an unbroken connection between the wrongful act and the death. Greenbaum, J., *dissenting. Santolo v. Interborough Rapid Transit Co.* (1921) 196 App. Div. 34, 187 N. Y. Supp. 390.